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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,778	08/28/2003	Stefan Holz	1454.1497	5851

21171 7590 06/19/2006

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,778

Applicant(s)

HOLZ ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/16/06.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's response filed on May 3, 2006. **Claims 1-10** are now pending in the present application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 3, 2006 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Khakoo et al. US Patent 2003/0135569.

Regarding claim 1, Khakoo teaches a method of managing incoming messages in a communications system (abstract) comprising the steps of:

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upon receipt of a message checking if a pre-defined availability status (step 310; fig. 3) allocated to a predetermined recipient of the call is activated, (abstract; fig. 2; paragraphs 0018,0022 and 0023);

upon activation of a pre-defined availability status applying a pre-defined filter rule to the call in accordance with the activated availability status, (paragraphs 0018,0020 and 0021); and executing a message handling action associated with the activated availability status, (paragraphs 0023).

Regarding claim 2, Khakoo, as applied to claim 1, teaches wherein the availability status is selectable for activation by the recipient of the message, (paragraph 0020).

Regarding claim 3, Khakoo, as applied to claim 2, teaches wherein only one availability status is activated at a time, (paragraph 0020).

Regarding claim 4, Khakoo, as applied to claim 1, teaches wherein any message is signaled and routed to the recipient by applying the filter rule relating to an availability status in which the recipient is prepared to receive messages, (paragraphs 0023 and 0024).

Regarding claim 6, Khakoo, as applied to claim 1, teaches wherein any message is forwarded to another pre-defined recipient by executing the message handling action, (fig. 11; paragraphs 0024 and 0025).

Regarding claim 7, Khakoo, as applied to claim 1, teaches wherein the message handling action comprises notifying the recipient of attempted communication by means of a message directed to a selected communication device allocated to the recipient, (paragraphs 0023 and 0024).

Regarding claim 9, Khakoo teaches an apparatus for managing incoming messages in a communications system (abstract) comprising:

means for checking, upon receipt of a message, if a pre-defined availability status allocated to a predetermined recipient of the message is activated, (paragraphs 0018,0022,0023);

means for applying, upon activation of a pre-defined availability status, a pre-defined filter rule to the message in accordance with the activated availability status, (paragraphs 0018,0020,0021); and

means for executing a message handling action associated with the activated availability status, (paragraph 0023).

Regarding claim 10, Khakoo teaches a computer program product stored on a computer usable medium (abstract) comprising:

computer readable means for causing a computer to check, upon receipt of a message, if a pre-defined availability status allocated to a predetermined recipient of the call is activated, (paragraphs 0018,0022,0023);

computer readable means for causing the computer to apply, upon activation of a pre-defined availability status, a pre-defined filter rule to the message in accordance with the activated availability status, (paragraphs 0018,0020 and 0021); and

computer readable means for causing the computer to execute a message handling action associated with the activated availability status, (paragraph 0023).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khakoo in view of Tiliks.

Regarding claims 5 and 8, Khakoo does not teach of wherein only messages from a predetermine set of sender are signalized and forwarded to the recipient and wherein the destination is associated with an entry in a personal scheduler.

In the same field of endeavor, Tiliks teaches wherein only calls/messages originating from a pre-determined set of callers are signalized and forwarded to the recipient by applying the filter rule, (paragraphs 0090 and 0097) and wherein the call is routed to a destination associated with an entry in a personal scheduler of the recipient, (fig. 11; paragraphs 0141 and 0145).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Khakoo by routing the messages to destination associated with an entry in a personal scheduler as taught by Tiliks so that the message recipient can easily change their schedule and rules for receiving messages and/or calls.

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Response to Arguments

8. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Primary Patent Examiner
Group 2614
June 2, 2006

O.E./oe